

WISHA REGIONAL DIRECTIVE

Department of Labor and Industries

Division of Occupational Safety and Health

21.90

Charter Vessel Inspections

Date Issued: September 18, 2006

I. Background

In addition to Title 49.17 RCW, the Division of Occupational Safety and Health (DOSH) in the Department of Labor and Industries administers several other statutes. One of those is Title 88.04 RCW, the Charter Boat Safety Act.

The Act's essential requirements are found in RCW 88.04.035, which require the department "to inspect or provide for the inspection of every charter boat once every twelve months with the vessel in the water, and once every sixty months with the vessel in drydock, to determine if the vessel and its equipment comply with the rules promulgated by the department and with applicable state and federal laws and regulations." The section also provides for the department to inspect such vessels "if the department has reasonable cause to believe either that a provision of this chapter has been violated or that an inspection is necessary to ensure the safety of persons or property on the vessel."

"Charter boat" is defined in RCW 88.04.015(3) as a vessel or barge operating in Washington state waters "which is not inspected or licensed by the United States coast guard and over which the United States coast guard does not exercise jurisdiction and which is rented, leased, or chartered to carry more than six persons or cargo."

RCW 88.04.025(1) provides that no such vessel may be operated unless it has a valid certificate of inspection from either the department or the United States Coast Guard (USCG).

II. Scope and Application

This WISHA Regional Directive (WRD) applies to all DOSH enforcement and consultation activities involving maritime inspections and/or consultations. It is substantively the same as WRD 21.90, issued May 9, 2005 which is hereby rescinded.

III. Interpretive Guidance

- A. Who is responsible for ensuring that the operators of licensed charter vessels are aware of the need to renew their certificate of inspection?*

The maritime supervisor is responsible for ensuring that the operators of all licensed charter vessels are aware of the need to renew their certificate of inspection.

- B. Who is responsible for scheduling these inspections and who will perform these inspections?*

The maritime supervisor is responsible for scheduling the inspections and ensuring that any determinations made during the course of the inspection are made in accordance with applicable USCG guidelines.

- C. What does it take to become a qualified charter vessel inspector?*

A fully qualified charter vessel inspector would have a full understanding of vessel stability (including how to perform a simplified stability test), sea worthiness and overall safety afloat. The inspector must also have a working knowledge of wooden hull and fiber-reinforced plastic (FRP) hull vessels. Proof of these qualifications would be the successful completion of a vessel inspection course recognized by the United States Coast Guard.

- D. Is this inspection a compliance inspection and reported in the WIN system?*

No, these annual inspections are requested by and scheduled through the owner of the vessel(s). The owner pays the department a fee to inspect the vessel(s). This inspection is not a DOSH compliance inspection and is not entered into the WIN system. This inspection is to ensure the vessel(s) meet the requirements of WAC 296-115 and applicable USCG regulations. After successful completion of this inspection, the charter vessel is issued a license from the department that will expire in one year. If deficiencies are found during the inspection, the department will not issue a license until the deficiencies have been corrected. The owner of the vessel will be advised that it may not be operated as a charter boat until the deficiencies have been corrected.

- E. If during the inspection, the inspector notices a violation of one of our WAC rules, how would it be handled?*

Prior to initiating the licensing inspection, the inspector must inform the vessel owner/employer that if during the licensing inspection, hazards not associated with the vessel inspection are observed, such as employees exposed to the hazard of drowning while working on a dock without the use of PFDs or deficiencies with a maritime crane, a DOSH compliance inspection would be initiated and an opening conference conducted. The vessel inspection must remain separate from the DOSH compliance inspection.

Approved: _____
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